

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4195/2dn
MGG:nwn:rs

March 5, 2010

Attention: Jay

In reviewing the list of possible requirements to be imposed on the use of a motor vehicle on a bed of a navigable water, I omitted three requirements that we discussed including. I did not include any requirement regarding “environmental pollution” because the definition is so broad in s. 299.01 (4). The definition states that injury to plant life is “environmental pollution.” The control of *Phragmites* would not be able to meet this requirement. I did not include the requirement regarding endangered and threatened species because it is already illegal to root up, sever, or injure these species. See s. 29.604 (4) (c) 2. Finally, I did not include the requirement regarding injury to the public’s rights in navigable waters since there is no such requirement when a motor vehicle is operating on the bed for an agricultural use, which I thought was a similar scenario to the use of a motor vehicle for the control of *Phragmites*. See. s. 30.29 (3) (b).

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